

Pro Se 7 (Rev. 10/16) Complaint for Employment Discrimination

## United States District Court

FILED

for the

NORTHERN DISTRICT OF ALABAMA

2017 OCT 10 P 3:22

Frances Denise COPE

Plaintiff,

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

U.S. DISTRICT COURT  
N.D. OF ALABAMAv. Kevin Baggett Personally  
and DBA  
Kevin Baggett Business  
and NBA as  
allstate

Defendant(s),

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names)

Case No.: 5:17-CV-1729-HNJ  
(to be filled in by the Clerk's Office)JURY TRIAL ☒ Yes ☐ No**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff**

Name

7. Denise Cope

Street Address

112 GERALD DR.

City and County

(Madison) Hazel Green, AL

State and Zip Code

AL 35750

Telephone Number

(256) 508-8033

E-mail Address (if known)

heese451966@yahoo.com

☒ Check here to receive electronic notice through the e-mail listed above. By checking this box, the undersigned consents to electronic service and waives the right to personal service by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2), except with regard to service of a summons and complaint. The Notice of Electronic Filing will allow one free look at the document, and any attached PDF may be printed and saved.

Date

10-3-17

Participant Signature

Denise Cope

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**II. Basis for Jurisdiction****B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

Name

Kevin Baggett

Job or Title (*if known*)

owner of Kevin Baggett Ins.

Street Address

808 S. Clinton St.

City and County

(Limestone) Athens, AL

State and Zip Code

AL 35611

Telephone Number

(256) 444-1111

E-mail Address (*if known*)

Kevin.baggett@allstate.com

## Defendant No. 2

Name

Kevin Baggett Insurance

Job or Title (*if known*)

owner

Street Address

808 S. Clinton St.

City and County

(Limestone) Athens, AL

State and Zip Code

AL 35611

Telephone Number

(256)

E-mail Address (*if known*)

## Defendant No. 3

Name

ALL STATE

Job or Title (*if known*)

Street Address

P.O. Box 660636

City and County

Dallas,

State and Zip Code

TX 75266

Telephone Number

877-810-2926

E-mail Address (*if known*)

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## Defendant No. 4

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Street Address \_\_\_\_\_

City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

## C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name Kevin Baggett Insurance

Street Address DBA ALLSTATE

City and County 808 S CLINTON ST. SUITE A

State and Zip Code Atlanta, AL.

Telephone Number AL 35611

(256) 444-1111

## II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☐ Other federal law *(specify the federal law):*

\_\_\_\_\_  
Relevant state law *(specify, if known):*

\_\_\_\_\_  
Relevant city or county law *(specify, if known):*

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me  
☐ Termination of my employment  
☐ Failure to promote me  
☐ Failure to accommodate my disability  
☒ Unequal terms and conditions of my employment  
☒ Retaliation  
☒ Other acts *(specify):* Harrassment

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

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B. It is my best recollection that the alleged discriminatory acts occurred on date(s):

February 10, 2017 - March 2017  
I walked out in March -

C. I believe that defendant(s) (check one):

☐ is/are still committing these acts against me

☒ is/are not still committing these acts against me

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

☐ race

☐ color

☒ gender/sex

☐ religion

☐ national origin

☐ age (year of birth)

(only when asserting a claim of age discrimination)

☐ disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

See Attached  
Complaint

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

**IV. Exhaustion of Federal Administrative Remedies**

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date): July 1, 2017

B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue letter

☒ issued a Notice of Right to Sue letter, which I received on (date): 7-7-17

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.) ATTACHED

C. Only litigants alleging age discrimination must answer this question:

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have elapsed

☐ less than 60 days have elapsed

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See attached Complaint  
Future pay or Commissions  
From March- 2017 - December 2017  
\$ 10,000.00 -  
Punitive Damages for Stress  
+ Harassment - \$170,000.00  
TOTAL - \$180,000.00

## COMPLAINT

COMES NOW, FRANCES DENISE COPE, do hereby state that I was employed with Kevin Baggett Agency DBA as Allstate. I began in February 2017, and I quit towards the end of March. I was not licensed as a Property and Casualty agent, But I was ask to solicit business for this new agency. I was asked on a daily basis to call a list of leads and ask them to change their coverage (Auto and Home) from t their current Company to Allstate. This is soliciting, Not Telemarketing. I was Harassed daily about following up with these clients when all that I was supposed to be doing by Alabama Insurance Regulations was answering the phone. I was soliciting New Business and taking payments.

There were no real problems with me being treated differently until Kevin Hired Chanse Parker to do the same thing. He was not required to make phone calls from the leads, and I had many other duties for the same rate of pay. Kevin was also much harder on me about following up. It was a stressful day each day because I did not feel comfortable following up due to the Department of Insurance's Rules. I was not supposed to ask for their business nor solicit. I never missed any work time. I was dependable and had a key to open or close when Kevin needed for me to. Chanse would call out a lot for work and not show up his first week. I was 10 minutes late one day, and he emailed me a nasty letter. I was just not treated the same at all.

PUNITIVE Damag es  
For STRESS in the  
work place and future  
Pay or Commissions if  
I had NOT quit due  
To The environment  
valued at \$180,000.00

I Pray For Relief  
of above amount  
Frances Cope

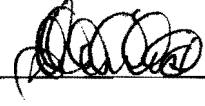
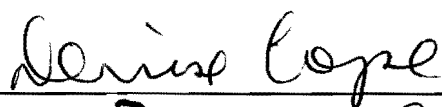


**VI. Certification and Closing**

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing:  10-3-17Signature of Plaintiff: Printed Name of Plaintiff: Denise Cope**B. For Attorneys**

Date of Signing: \_\_\_\_\_

Signature of Attorney: \_\_\_\_\_

Printed Name of Attorney: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Name of Law Firm: \_\_\_\_\_

Street Address: \_\_\_\_\_

State and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_



EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Denise Cope**  
**112 Gerald Drive**  
**Hazel Green, AL 35750**

From: **Birmingham District Office**  
**Ridge Park Place**  
**1130 22nd Street**  
**Birmingham, AL 35205**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**420-2017-01695**

**Debra Powell,**  
**Intake Supervisor**

**(205) 212-2085****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Delner Franklin-Thomas*

**Delner Franklin-Thomas,**  
**District Director**

JUL 07 2017

(Date Mailed)

*Received*  
*7-10-17*

Enclosures(s)

cc

c/o Kevin Baggett, Professional  
**BAGGETT INSURANCE GROUP**  
**808 Clinton Avenue S**  
**Athens, AL 35611**

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):



FEPA



EEOC

**420-2017-01695**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Denise Cope**

Home Phone (Incl. Area Code)

**(256) 508-8033**

Date of Birth

Street Address

City, State and ZIP Code

**112 Gerald Drive, Hazel Green, AL 35750**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**BAGGETT INSURANCE GROUP**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(256) 508-8033**

Street Address

City, State and ZIP Code

**808 Clinton Avenue S, Athens, AL 35611**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION



OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest



CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a female. I was hired by the above named employer on February 12, 2017, in Telemarketing. Under Alabama state law, I could not solicit until I became insured, so I worked as a ~~Customer Service~~ <sup>Title wa</sup> ~~Representative~~ <sup>Tele</sup>. Business Owner Kevin Baggett (male) hired Chance Parker (male) to do the same work as ~~me~~ <sup>mar</sup> but I was required to more work than he. I am not sure if Chance received his license, but he was not required to take payments or make phone calls. The owner did not trust Chance to close the office or to be responsible for the money.

Kevin harassed me daily about soliciting for new business even though I was not legally able to do so, but Kevin never required Chance to do the same. On April 3, 2017, I turned in my key and quit my job due to the work environment becoming too stressful.

I believe that I have been discriminated against and forced to terminate my employment because of my sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

5-27-17 7 - Denise Cope

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

RECEIVED  
MAY 30 2017  
U.S. EEOC  
Birmingham District Office